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**Hearing Date:** Dec. 20, 2023  
**Opposition Date:** Sept. 22, 2023  
**Reply Date:** Oct. 23, 2023

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)  
SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

BNP PARIBAS ARBITRAGE SNC,

Defendant.

Adv. Pro. No. 11-02796 (CGM)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of BNP Paribas Arbitrage SNC's Motion to Dismiss and all prior pleadings and proceedings herein, BNP

Paribas Arbitrage SNC (“BNPP Arbitrage”) will move this Court remotely via Zoom<sup>1</sup> on December 20, 2023 at 10:00 a.m. (prevailing Eastern time) for an order pursuant to Rules 12(b)(6) and 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, dismissing the Trustee’s claims with prejudice.

PLEASE TAKE FURTHER NOTICE that pursuant to the agreement of the parties, the Trustee’s response will be due on September 22, 2023, and BNPP Arbitrage’s reply will be due on October 23, 2023.

Dated: July 24, 2023  
New York, New York

Respectfully submitted,

/s/ Thomas S. Kessler

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<sup>1</sup> Judge Cecelia G. Morris, <https://www.nysb.uscourts.gov/content/chief-judge-cecelia-g-morris> (last visited July 18, 2023) (“Judge Morris is holding all hearings via Zoom.”)